

**Breakout Session:**

**Basing Pre-Trial Release Decisions on More than Gut Instinct Alone**

**Tuesday, August 9, 2016 @ 10:30 a.m.**

*Multiple states and the federal government have implemented pre-trial release tools based upon the results of validated risk and/or needs information. This session will present research on the effectiveness of release decisions which are based on gut instinct alone in comparison to release decisions which incorporate risk and/or needs assessment information. Various approaches which are being used nationwide will be discussed, as well how to practically implement the use of such tools.*

**The Panel Welcomes Your Questions in this Interactive Session!**

**Darin Carver (moderator)**, Utah Sentencing Commission & L.C.S.W. Over the past 20 years, Darin Carver, L.C.S.W., has worked as a therapist, program developer, and administrator in criminal justice and behavioral health settings. His primary focus has been linking clinical research with practice settings. He currently administers several highly recognized juvenile justice treatment programs within the State of Utah and also serves as the Clinical Practice Administrator for Weber Human Services. Darin has been actively involved in the development and diffusion of evidence-based practice through a variety of private and public entities, including Vanderbilt University, the Center for Juvenile Justice Reform at Georgetown University, and the University of Utah. His work in this area has brought national attention to the promise and challenges associated with bridging science and service. He has published several professional articles on evidence-based practice in criminal justice, mental health, and substance abuse journals. Darin is the recipient of the 2011 Utah Governor's Commission on Crime and Justice Award, the 2010 SAMHSA Science to Service Award, the 2009 Utah Substance Abuse Treatment Provider Award, and the 2006 American Probation and Parole President's Award.

**Susanne DiPietro**, Executive Director of the Alaska Judicial Council. The Alaska Judicial Council staffs the work of the Alaska Criminal Justice Commission, which recently completed a Pew Justice Reinvestment project. Before coming to the Judicial Council, Susanne worked as the Judicial Education Coordinator for the Alaska Court System. She received her J.D. from Northwestern University in Chicago, and is a Fellow of the National Center for State Courts' Institute for Court Management. She is the author of a number of reports and articles on criminal and civil litigation procedures. She has served as a consultant to the court systems in Albania and Mongolia.

**Michael Jones**, Director of Implementation, Pretrial Justice Institute (PJI). Dr. Jones has worked at PJI since 2010. He directs the Bureau of Justice Assistance's Smart Pretrial Demonstration Initiative, oversees training and technical assistance for states, localities, and various stakeholder organizations, and assists states and local jurisdictions in understanding and implementing more legal and empirically-based pretrial policies and practices by designing strategic, system-change initiatives, delivering technical assistance, performing empirical research, and publishing resource materials. Mike also works as a technical resource provider for the National Institute of Corrections, and previously served as the Criminal Justice Planning Manager for Jefferson County, Colorado for nine years. Mike received his Ph.D. in Clinical Psychology from the University of Missouri-Columbia.

**Ken Rose**, Pretrial Services Coordinator at the Virginia Department of Criminal Justice Services (DCJS). Ken coordinates the pretrial services agencies funded through DCJS and is responsible for all of DCJS' codified responsibilities related to jail planning activities. His responsibilities include providing technical assistance, training and program development to local and state agencies. Ken also assists state legislative, judicial and

administrative branches of government with analysis of issues, needs and requirements for the interface of local pretrial and probation services, jail services, arrest and related bail practices. Ken also services as the co-coordinator for the State Evidence Based Decision Making (EBDM) Policy Team for Virginia. Ken has over twenty six years of experience in the field of pretrial justice and corrections at the local, state, and national level. He joined DCJS after working as a consultant where he provided technical assistance and training to pretrial services agencies throughout the country. Prior to that, he worked for the National Institute of Corrections, where he led in the development of the Orientation for New Pretrial Executives training program, the Pretrial Justice Research Roundtable (co-sponsored by the National Institute of Justice), and managed the reprioritization of the National Institute of Corrections' Pretrial Executives Network.

### **Foundational Principles to Understand Before the Session:**

- Money as a Criminal Justice Stakeholder: The Judge's Decision to Release or Detain a Defendant Pretrial  
<http://nicic.gov/library/029517>
- Fundamentals of Bail: A Resource Guide for Pretrial Practitioners and a Framework for American Pretrial Reform  
<http://nicic.gov/library/028360>
- Risk-Based Pretrial Release Recommendation and Supervision Guidelines  
<https://www.dcss.virginia.gov/sites/dcss.virginia.gov/files/publications/corrections/risk-based-pretrial-release-recommendation-and-supervision-guidelines.pdf>
- Pretrial Decision-Making  
<http://www.pretrial.org/download/infostop/Pretrial%20Decision-Making-%20How%20a%20Model%20Pretrial%20Services%20Program%20Changed%20Allegheny%20County%E2%80%99s%20Criminal%20Justice%20System%20-%20Allegheny%20County%202014.pdf>
- "The history of bail and the law intertwined with [this] history tell us that the three goals underlying the bail process are to maximize release while simultaneously maximizing court appearance and public safety." --Timothy R. Schnacke, *Fundamentals of Bail*  
[www.clebp.org/images/2014-11-05\\_final\\_bail\\_fundamentals\\_september\\_8\\_2014.pdf](http://www.clebp.org/images/2014-11-05_final_bail_fundamentals_september_8_2014.pdf)

### **Questions and Concepts be Explored Further in this Session:**

- Why statistical tools trump human judgment but are typically undervalued and viewed as controversial.
- Why failure to perfectly predict recidivism or community safety should not be the enemy of good prediction.
- National standards regarding risk-informed pretrial decision making.
- Lessons learned from others that have implemented pretrial risk assessment?
- Should pretrial services be implemented statewide or locally based?
- Organizationally, where should pretrial services be administratively housed?
- How does risk-informed pretrial decision making align with the law?
- The importance of organizational theory for implementing change in an organization.

### **Additional links of Interest:**

- National Association of Pretrial Services Agencies Standards on Pretrial Release  
<https://drive.google.com/a/utah.gov/file/d/0B1YIoljVNUF5NmJkY0wzRHR1Tmc/view?pref=2&pli=1>
- American Bar Association Standards for Criminal Justice: Pretrial Release  
[www.americanbar.org/publications/criminal\\_justice\\_section\\_archive/crimjust\\_standards\\_pretrialrelease\\_toc.html](http://www.americanbar.org/publications/criminal_justice_section_archive/crimjust_standards_pretrialrelease_toc.html)
- [www.ajc.state.ak.us/sites/default/files/imported/acjc/AJRI/ak\\_jri\\_report\\_final12-15.pdf](http://www.ajc.state.ak.us/sites/default/files/imported/acjc/AJRI/ak_jri_report_final12-15.pdf)
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